IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1044 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/07/2003 in WP NO: 1540 OF 1999 on the file of the High Court.)

Between:

The Executive Officer, Sri Padmavathi Venkateswaraswamy Devasthanam, E.C.I.L., X Roads,, Kushaiguda, R.R. District, Hyderabad.

..... APPELLANT

AND

1 Smt. G. Suvarchana, W/o. Kishore Kumar,aged 35 years, household, resident of Malkajgiri, Hyderabad.
2 The Government of Andhra Pradesh represented by its Secretary, Endowments Department, Secretariat, Hyderabad.
3 The Commissioner of Endowments, Government of Andhra Pradesh, Tilak Road, Hyderabad.
4 The Deputy Commissioner of Endowments, Tilak Road, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: MR.RAVI KONDAVEETI

Counsel for the first respondent: Mr.V. Narasimha Goud.

Counsel for the Respondents 2 to 4.: GP FOR ENDOWMENTS

The Court made the following :

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JUDGMENT: (Per Honourable Sri G.Bikshapathi)

The Writ appeal is filed against the orders passed by the learned Single Judge in W.P.No.1540/1999 dated 22-07-2003.

2. The respondent was appointed on 25-06-1993 as clerk and his services were terminated with effect from 08-07-1996. Aggrieved by the said order, he filed the above writ petition. The learned single Judge holding that there is no proper opportunity to the petitioner, his services were terminated and therefore, the order of the termination was set aside, but, however, it was left open to the management of the temple to conduct an appropriate enquiry, if they so choose, in accordance with law. Against the said order, the present Writ Appeal has been filed.

3. The learned counsel for the appellant temple submits that the order of the learned single Judge is not sustainable in law inasmuch as the petitioner produced the fake appointment order and therefore he could not be retained in service, and hence, his services were terminated.

4. We are afraid this contention cannot be raised in this writ appeal. In the counter, it is stated that the appointment of the first respondent itself is illegal since it was made during the ban period and that the Deputy Commissioner has not ratified the same. In the wake of this, it was held that the termination order is in violation of principles of natural justice and it was not preceded by any enquiry at all. Under those circumstances, we hold that the order of Tribunal does not suffer from any illegality or infirmity.

5. Accordingly, the writ appeal is dismissed. However we leave it

open to the management to conduct an enquiry and pass appropriate orders. Respondent-1-employee shall be reinstated forthwith and the payment of back wages from the date of termination till the date of reinstatement shall be subject to the result of the enquiry that may be conducted against her. No costs

G.BIKSHAPATHI,J.

_____ B.SESHASAYANA REDDY,J.

Dated 09-07-2004.

dvs

To

1 Smt. G. Suvarchana, W/o. Kishore Kumar,aged 35 years, household, resident of Malkajgiri, Hyderabad.

2 The Secretary, Government of Andhra Pradesh,
Endowments Department, Secretariat, Hyderabad.
3 The Commissioner of Endowments, Government of Andhra Pradesh,
Tilak Road, Hyderabad.
4 The Deputy Commissioner of Endowments, Tilak Road, Hyderabad.

5.Two CCs to the Government Pleader for Endowments, AP. High Court Buildings, Hyderabad.(OUT).

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